

Licensing and Trademarks

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INDIANA UNIVERSITY



The Office of Licensing & Trademarks

- History of L&T
- Functions of the Office:
 - Manage the Universities Trademark Portfolio
 - Conduct Trademark Enforcement
 - Provide Guidelines of Trademark Use
 - Facilitate Trademark Licensing



Patents and Copyrights

- Patents

Set of exclusive rights granted by a state or country to an inventor for a fixed period of time in exchange for disclosure of an invention or discovery. The term of a patent is in effect for 20 years from the date of the application.

- Copyrights

Provides the creator of an original work of authorship exclusive rights to control its distribution for a period of 50-100 years after the authors death.



What is a trademark?

- A trademark is any name symbol, figure, letter, word, or mark adopted and used by a manufacturer or merchant in order to designate his or her goods and to distinguish them from those manufactured or sold by others. A trademark is a proprietary term that is usually registered with the Patent and Trademark Office to assure is exclusive use by its owner. Trademark registration affords the owner ten years of protection.



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Indiana University Trademarks

- Indiana University owns 131 trademarks that are registered with the State of Indiana Secretary of State, the US Patent and Trademark Office as well as Australia, Canada, China, France, Germany, Japan, Kenya, Mexico, Spain and Switzerland.



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Indiana University Trademarks

HOOSIERS

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When Should You Register a Mark?

- Do you want to use the mark in services such as advertising, communications, or on commercial goods?
- Do you want to prevent others from using the mark?
- Do you want to distinguish yourself from competitors?
- Do you intend to use the mark for more than 2 years?



Steps to Register a Trademark

- Trademark Search
- Establish Use
 - Dates of First Use
 - Intent to Use
- Registration by Class
 - Specimens
- Cost



Use of ® and ™

- ®
- ™
- Who determines use
- Multiple trademarks on a graphic



Trademark Infringement

- Unauthorized use or similar use of a trademark so as to cause the likelihood of confusion in the minds of the consumers as to the source.



Trademark Enforcement

Federal law requires that trademark owners actively protect their marks to maintain the full benefit of registration. This includes the proper presentation of the ® and ™.

- Enforcement Efforts
- CLP Labels



What constitutes Domain Name Infringement?

- Domain name is identical or confusingly similar to an institutions trademarks or service marks.
- Domain name owner has no right or legitimate interest in using the name.
- Domain name owner has registered the domain name in bad faith.
 - Purchasing Domain Names



Guidelines of Use for Trademarks

- Trademarks can not be modified in anyway or incorporated into the name or mark of another.
- Use of a trademark with another entities trademark
 - Permission granted through Purchasing and L&T
 - Trademarks must be separate and distinct and IU marks must not be overshadowed or diminished in any way in comparison to the other entities marks.
- Trademarks may not be used in a manner that suggests or implies endorsement.
- Trademarks may not be used in a manner that discriminates or implies discrimination.
- Trademarks on commercial products shall incorporate the appropriate trademark designation symbols.



What types of products will not be licensed?

- Alcohol products
- Tobacco products
- Illegal drug products
- Inherently dangerous products
- Sexually suggestive products
- Products that depict racists, sexist, hateful, demeaning or degrading language or statements
- Products that use profanity
- Gambling related products
- Products that contain statements impugning other Universities
- Products that present an unacceptable risk of liability
- Products that are harmful to the mission or integrity of the institution
- Products that contain another entity's trademark
- Any uses of names, numbers, and/or images of Indiana University student athletes



Why do we license trademarks?

- Protect
- Promote
- Profit



To protect the University, L&T requires the following from each licensee:

- Insurance
- Code of Conduct
- NCAA Compliance
- Art Reviews
- Report Sales & Royalties



What types of licenses are there?

- Standard Retail
- Promotional
- Crafters

Are there instances where I can use an unlicensed vendor?

- *Contracts*
- *Approved Purchase Orders for items that are to be used for internal University consumption only*



Promotional Use FAQ

- Does a licensed vendor have to be used when purchasing promotional goods? What if Foundation funds are being used?
- Are all of the suppliers on the Preferred Vendor List licensed?
- What should I do if a licensed/preferred vendor cannot produce what I need?
- Who should send my art design to the Office of Licensing and Trademarks?
- Who determines if a ® or a ™ should be used?
- What are the official University colors?
- When can the University Seal be used?
- What font should be used in conjunction with University trademarks?
- Can a business advertise its logo next to the Universities logo on promotional products? What can a business say about its association with the University?



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L&T Promotes the University by:

- Developing new products



the magic of
★ macy's



Indiana University - Memorial Stadium





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L&T Promotes the University by:

- Creating exciting promotions



Finish Line.



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L&T Promotes the University by:

- Raising brand awareness





L&T Generates Profits for the University:

- Royalties and M.R.U.
 - Fiscal 08/09 Royalties were \$1.23M

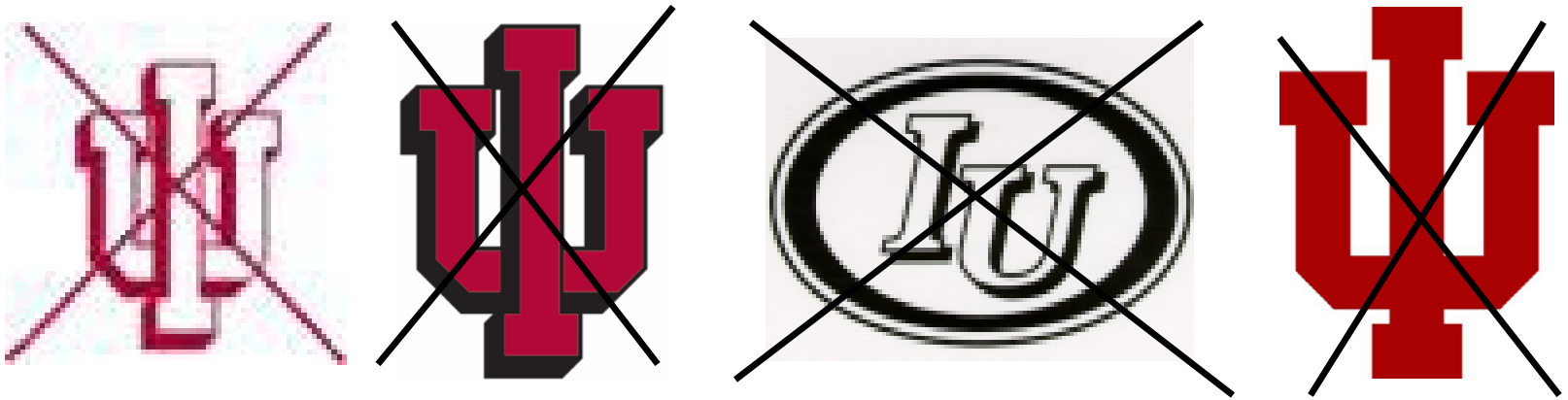
Where does the money go?

- *All revenue is split between the Campuses and Athletics*



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What Trademarks Should Be Used?





Resources

- L&T Website: <http://iu.licensing.indiana.edu>
- Purchasing Website: <http://www.indiana.edu/~purchase/>
- Visual Identity Website:
<http://www.visualidentity.iu.edu/>
- L&T Office
 - Valerie Gill, Director of Licensing and Trademarks: 812-855-6794
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